

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CITY OF CHICAGO, a municipal corporation,

Plaintiff,

v.

JUSSIE SMOLLETT, an individual,

Defendant.

Case No. 1:19-cv-04547

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**THIRD UNOPPOSED MOTION TO EXTEND TIME FOR  
DEFENDANT TO RESPOND TO PLAINTIFF'S COMPLAINT**

NOW COMES the Defendant Jussie Smollett, by and through undersigned counsel, to move this Court under Federal Rule of Civil Procedure 6(b) for an order to extend the time that Mr. Smollett may have to answer to Plaintiff City of Chicago's Complaint. In support of this motion, the Defendant states as follows:

1. Plaintiff commenced this action by filing a Complaint in the Circuit Court of Cook County, Illinois, Law Division, on April 11, 2019, styled *City of Chicago v. Smollett*, No. 2019L003898 (the "State Court Action").

2. On July 3, 2019, Mr. Smollett removed the State Court Action to this Court. ECF No. 1.

3. On July 10, 2019, Mr. Smollett filed his first unopposed motion to extend time to answer or otherwise plead. ECF No. 10.

4. On July 12, 2019, the Court granted Mr. Smollett's first motion to extend time. ECF No. 11.

5. On August 5, 2019, Mr. Smollett moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). ECF No. 14.

6. On October 22, 2019, this Court issued its Memorandum Opinion and Order denying Mr. Smollett's motion to dismiss. ECF No. 25.

7. Under Rule 12(a)(4)(A) of the Federal Rule of Civil Procedure, the Court's denial of Mr. Smollett's motion to dismiss under Rule 12(b)(6) renders the responsive pleading due within 14 days after notice of the Court's action. Fed. R. Civ. P. 12(a)(4)(A).

8. Fourteen days from the Court's denial of the motion to dismiss was November 5, 2019.

9. On November 4, 2019, Mr. Smollett's counsel filed a second unopposed motion to extend time to respond to Plaintiff's complaint. ECF No. 26.

10. On November 6, 2019, the Court granted the second unopposed motion to extend time. ECF No. 28.

11. The Federal Rules of Civil Procedure allow the Court to extend the time for the Mr. Smollett to answer for good cause if a request is made before the original time or its extension expires. *See* Fed. R. Civ. P. 6(b)(1)(A).

12. Good cause exists for this third and final extension because the parties have agreed to allow the Mr. Smollett a one-week extension, until November 19, 2019, to answer the complaint. The extension is not being made for the purpose of delay, but rather the need for time to prepare the responsive pleading due to other matters that have unexpectedly required an inordinate amount of time and resources for Mr. Smollett's counsel during the past week, including, but not limited to, issues related to an arbitration proceeding and an administrative hearing. In addition, the court-ordered time for filing the answer has not yet expired.

13. Counsel for Plaintiff does not oppose this motion.

THEREFORE, the Defendant Jussie Smollett respectfully requests that the Court enter an order for a third and final extension of time for Mr. Smollett to file an answer up to and including November 19, 2019.

Date: November 12, 2019

Respectfully submitted,

/s/ David E. Hutchinson

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants in this case.

/s/ Nicole Griesbach\_\_\_\_\_